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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---------------------------------|-------------|----------------------|---------------------|------------------|
| 10/634,610 | 08/05/2003 | Clark W. Conrad | 33692.03.1644 | 6604 |
| 23418 | 7590 | 12/16/2005 | EXAMINER | |
| VEDDER PRICE KAUFMAN & KAMMHOLZ | | | NGUYEN, PATRICIA T | |
| 222 N. LASALLE STREET | | | ART UNIT | |
| CHICAGO, IL 60601 | | | PAPER NUMBER | |
| | | | 2817 | |

DATE MAILED: 12/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/634,610

Applicant(s)

CONRAD ET AL.

Examiner

Patricia T. Nguyen

Art Unit

2817

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-14 is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 7, 9, 11 and 15-21 is/are rejected.
- 7) ☒ Claim(s) 5, 8, 10 and 22 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>8/5/03</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6, 7, 9, 11, 18- 21 are rejected under 35 U.S.C. 102b as being anticipated by Goldfarb et al., U.S. Patent # 6,400,227B1.

Figs. 1 and 2 of Goldfarb et al. discloses a circuit comprising: amplifiers 102, 104, 106, 108 can be read as a scalable power amplifier wherein FETs 2, 4, 6, 8, can be read as a plurality of selectively activated amplifier elements; in Fig. 2, network 202 can be read as a variable impedance circuit (see spec. col. 2, line 20); circuit generating control signals VGC1 –VGC4, Ibias can be read as an amplifier configuration circuit (see spec. col. 2, lines 47-60 and col. 4, lines 12-18); power level when only one amplifier element is activated can be read as first power output level; power level when all amplifier elements are activated can be read as second power output level; VDD can be read as a first reference potential.

Claims 1-4, 6, 7, 9, 11, 18- 21 are rejected under 35 U.S.C. 102b as being anticipated by Schwent et al., U.S. Patent # 5,438,684.

Fig. 1 of Schwent et al. discloses a circuit comprising: amplifiers 200, 201 can be read as a scalable power amplifier as well as a plurality of selectively activated amplifier elements; diode 210, impedances 202, 203 can be read as a variable impedance circuit; circuit generating control signals CS1, CS2, CS3 can be read as an amplifier configuration circuit; power level when amplifier 200 is activated can be read as first power output level; power level when amplifier 201 is activated can be read as second power output level; VB can be read as a first reference potential. (See spec. col. 3, lines 25-36, lines 55-68 and col. 4, lines 1-35).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldfarb et al., U.S. Patent # 6,400,227B1 or Schwent et al., U.S. Patent # 5,438,684.

Although Goldfarb et al. or Schwent et al. does not show an antenna, it have been obvious at the time the invention was made to a person having ordinary skill in the art to connect to output of the amplifier to an antenna to transmit the output signal in order to have a practical use for the amplifier.

Allowable Subject Matter

Claims 5, 8, 10, and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 12-14 are allowed.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patents # 6,614,299 B2, # 5,548,246 contain some limitations of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia T. Nguyen whose telephone number is (703) 308-1927. The examiner can normally be reached on 6:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pascal can be reached on 703-309-4940. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2817

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PTN

December 11, 2005



PATRICIA NGUYEN
PRIMARY EXAMINER